

FILED

SEP 10 2012

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

CLARKSBURG DIVISION

KIM S. MILLER, Individually and as Personal
Representative of the Estate of NICOLE
FARIS MILLER,

Plaintiff,

Civil Action No. 1:11-CV-00151-IMK

v.

WALTHER PRODUCTIONS, INC. d/b/a
ALL GOOD FESTIVAL; ALL GOOD
FESTIVAL, INC.; TIM WALTHER; JUNIPA
CONTENTO; MARVIN HUGGINS;
MARVIN'S MOUNTAINTOP, LLC; M & M
PARKING, INC. a/k/a M & M PARKING
SERVICES, INC. a/k/a M & M
EVENT SERVICES, LLC; EVENT
STAFFING, INC.; NATIONAL EVENT
SERVICES, INC.; AXIS SECURITY,
INC.; CLAY HARLIN LEWIN; JAMES
TOBIN; and JIM TOBIN PRODUCTIONS,
Defendants,

and

EVENT STAFFING, INC.,
Third-Party Plaintiff,

v.

FRANK LYNCH,
Third-Party Defendant.

YEN TON,
Plaintiff,

v.

Civil Action No. 1:11-CV-00152-IMK

WALTHER PRODUCTIONS, INC. d/b/a
ALL GOOD FESTIVAL; ALL GOOD
FESTIVAL, INC.; TIM WALTHER; JUNIPA
CONTENTO; MARVIN HUGGINS;
MARVIN'S MOUNTAINTOP, LLC; M & M

PARKING, INC. a/k/a M & M PARKING
SERVICES, INC. a/k/a M & M
EVENT SERVICES, LLC; EVENT
STAFFING, INC.; NATIONAL EVENT
SERVICES, INC.; AXIS SECURITY,
INC.; CLAY HARLIN LEWIN; JAMES
TOBIN; and JIM TOBIN PRODUCTIONS,
Defendants,

and

EVENT STAFFING, INC.,
Third-Party Plaintiff,

v.

FRANK LYNCH,
Third-Party Defendant.

ELIZABETH ROSE DORAN,
Plaintiff,

v.

Civil Action No. 1:11-CV-00160-IMK

TIMOTHY WALTHER, JUNIPA
CONTENTO, WALTHER PRODUCTIONS,
INC. d/b/a ALL GOOD PRESENTS,
MARVIN HUGGINS, MARVIN'S
MOUNTAINTOP, LLC,
EVENT STAFFING, INC.; NATIONAL
EVENT SERVICES, AXIS SECURITY, INC.,
M & M PARKING, INC. a/k/a M & M
EVENT SERVICES, LLC, CLAY LEWIN,
JAMES LEE TOBIN AND JIM TOBIN
PRODUCTIONS, INC.
Defendants,

and

EVENT STAFFING, INC.,
Third-Party Plaintiff,

v.

FRANK LYNCH,
Third-Party Defendant.

**ORDER GRANTING DEFENDANT CLAY HARLIN LEWIN'S RULE 12 MOTION TO
DISMISS IN CIVIL ACTION NO. 1:11-CV-00151-IMK**

WHEREAS, having considered Defendant Lewin's Rule 12 Motion to Dismiss Implied Indemnity Claims and Remaining Crossclaims Pursuant to Good Faith Settlement with Plaintiff Miller and Defendant Lewin's Memorandum in Support of such motion; and upon finding that


- (1) defendants in this action have failed to state a claim for indemnity against Defendant Lewin upon which relief can be granted;
- (2) Defendant Lewin and Plaintiff Miller have entered into a good faith settlement; and
- (3) all claims for contribution against Defendant Lewin are dismissed as a matter of law by such good faith settlement;

Defendant Lewin's Rule 12 Motion to Dismiss is hereby **GRANTED**.

Accordingly, it is hereby **ORDERED**, that all crossclaims asserted by defendants against Defendant Lewin in Civil Action No. 1:11-CV-00151-IMK are hereby dismissed with prejudice; and, pursuant to Rule 41(a)(2) and (c) of the Federal Rules of Civil Procedure, all crossclaims asserted by Defendant Lewin against the other defendants in Civil Action No. 1:11-CV-00151-IMK are hereby dismissed with prejudice, and with the parties to bear their own costs and expenses including, without limitation, attorneys' fees.

IT IS SO ORDERED.

Dated: September 10, 2012


HON. IRENE M. KEELEY
United States District Judge